

# **preliminary DECISION MEMO**

## **2007 SPRUCE CREEK**

### **RIPARIAN REHABILITATION**

USDA FOREST SERVICE/Deschutes National Forest

Crescent Ranger District

Klamath County, Oregon

The Crescent Ranger District is proposing to implement a riparian meadow/hydrologic function restoration project on Spruce Creek and an adjacent un-named stringer meadow. Approximately 100 acres of riparian area would receive the following treatments: thin select lodgepole pine 3 inches or less in diameter, spot burn willow clumps, plant riparian-dependant vegetation, and fence willow/plantings to protect from browse.

The Spruce Creek Riparian Rehabilitation project was developed after observing the high level of riparian meadow degradation resulting from fire exclusion, reduced beaver activity and a lowered water table. These factors have facilitated the encroachment of lodgepole pine which is out-competing riparian vegetation and reducing the amount and extent of forage species and a highly valuable habitat type. Recovery of an elevated water table, riparian dependant vegetation, and properly functioning meadow hydrology would provide valuable habitat for wildlife and improve water quality.

### **Location**

The proposed project area is located on National Forest System land. Project activities would be limited to Spruce Creek between the intersection with FS road 5830 and the confluence with Hemlock Creek as well as an un-named stringer meadow which lies adjacent to lower Spruce Creek. The legal description of the project area is T 25 S, R 07 E, Sections 2, 3, 34 and 35.

### **Public Involvement**

A public scoping letter was sent out on August 30, 2006. No comments were received on this project.

### **Background Information**

Riparian meadows are quickly being encroached upon by lodgepole pine trees which are out-competing riparian dependant vegetation. Beavers (*Castor Canadensis*) play an important role in maintaining these ecotypes. They crop trees and shrubs and use them to construct in-stream dams, which can elevate the surface water level and the ground water level in the riparian area. An elevated water table reduces the level of lodgepole encroachment, improves growing conditions for riparian dependant grasses, sedges, forbs and shrubs and maintains higher summer flows and cooler water temperatures during summer months through groundwater exchange. During the past decade it appears that the level of beaver activity and the associated benefits have dramatically declined. Beaver dams which were described as abundant in 1989 stream survey reports are now scarce. With the reduction in beaver activity, the stream has downcut and the surrounding riparian area has dried. Willow clumps are now decadent and lodgepole encroachment is prolific. This project is consistent with direction found in the Deschutes National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan. Biological Evaluations were prepared for Sensitive, Threatened, and Endangered animal and plant species and are located in the project file at the Crescent Ranger District. The project meets all of the applicable Project Design Criteria from the Programmatic Biological Assessment for central Oregon.

Fish species found in Spruce Creek include brook trout *Salvelinus fontinalis* and brown trout *Salmo trutta* both non-native to this area. Native redband trout *Oncorhynchus mykiss* and bull trout *Salvelinus confluentus* have been extirpated or displaced by introduced non-natives.

## **Relationship to Extraordinary Circumstances and Findings**

In determining the appropriateness of using the categorical exclusion, a determination of the potential impacts to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made<sup>1</sup>. The following is the list of the potential effects to the resource conditions from the project activities.

### **1. Federally Listed Threatened or Endangered Species or Designated Habitat or Species Proposed for Federal Listing or Proposed Critical Habitat.**

Surveys for threatened, endangered, candidate, proposed, and sensitive species have been completed within the project area. The fisheries biological assessment determined that this project would have **No Effect** on bull trout. Project implementation would have **No Effect** on threatened or endangered wildlife species.

### **2. Forest Service Sensitive Species**

The fisheries biological assessment determined that this project would have **No Impact** to regionally sensitive redband trout and on Region 6 wildlife sensitive species. There are no sensitive plant species within the project area. For the Pacific fisher, a Federal candidate species, a determination of **May Impact Individuals or Habitat**, but not likely to contribute to Federal listing. Biological Evaluations are on file at the Crescent Ranger District.

### **3. Flood plains, Wetlands, or Municipal Watersheds**

Flood plains: Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of flood plains. Flood plains are defined by this order as, "... the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "...areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." This project is designed to improve flood plain and wetland function. There are no municipal watersheds within the project area.

### **4. Congressionally Designated Areas Such as Wilderness, Wild and Scenic Rivers, and National Recreation Areas.**

The project area is not within or near these areas.

### **5. Inventoried Roadless Areas**

There are no inventoried roadless areas in the project area. The project would not construct any temporary or permanent roads.

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<sup>1</sup> As defined by the Interim Direction "Clarification of Extraordinary Circumstances for Categories of Actions Excluded From Documentation" appearing in the Federal Register Vol. 67, No. 164, August 23, 2002.

## **6. Research Natural Areas**

There are no existing or proposed Research Natural Areas in the project area.

## **7. American Indian and Alaska Native religious or Cultural Sites, Archaeological Sites, or Historic Properties of Areas**

Consultation has occurred under the Programmatic Agreement with the State Historic Preservation Office (SHPO). All cultural sites would be avoided. The Crescent District Archaeologist has determined that this project is exempt from further case-by-case review under Appendix A, Item 15 and Appendix B, Item 17, where proposed undertakings are in areas that have been surveyed twice under an inventory strategy meeting current standards where no historic properties are affected. A Cultural Resources Report and SHPO concurrence is on file at the Crescent Ranger District.

## **Best Available Science and Conclusion**

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Based on the conclusions regarding the effects to the resource conditions listed above, I have found that no extraordinary circumstances exist with the proposed project activities that may result in a significant individual or cumulative effect on the quality of the human environment.

## **Implementation Date/Conditions Related to Implementation**

The following project design features have been added to reduce potential for adverse effects and are incorporated into the decision:

1. A contract provision to protect Proposed, Endangered and Threatened wildlife species and/or proposed or designated Critical Habitat would be required in the event of the discovery of a listed species in the project area. A wildlife biologist would review new information and evaluate the need for seasonal restrictions and/or consultation requirements if needed.
2. Include required provisions for clean equipment with the objective to minimize potential for introducing invasive plant species.
3. Low impact equipment would be used to minimize ground disturbance to protect riparian resources and reduce the risk of creating conditions susceptible to invasive plants.
4. Dispose of hand piles outside of the riparian area to reduce the potential for increasing fine sediment deposit to Spruce Creek.
5. Sphagnum mats provide unique habitats on the Crescent Ranger District and the objective is to protect them from potential loss from prescribed burning or other activities.
6. To prevent harassment of calving elk and/or fawning deer, and to prevent disturbance or injury to young of the year, no management activity would be conducted in the project area from **May 1 through June 30**.

This project has been determined to be consistent with the Deschutes Land and Resource Management Plan as Amended by the Northwest Forest Plan Record of Decision for the Aquatic Conservation Strategy (ROD, B-9) by meeting the nine objectives, maintaining or improving conditions at the sixth and fifth field watershed scale. There would be no effect on fisheries.

This project is consistent with the management direction, including standards and guidelines, in the 1990 Deschutes National Forest Land and Resource Management Plan, as amended by the 1994 Final Environmental Impact Statement for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl, (Northwest Forest Plan). Survey and Manage criteria have been satisfied to the 2001 standards. Fish habitat is improved toward the

desired future condition of the stream. The project meets the Aquatic Conservation Strategy Objectives of the Northwest Forest Plan (See Analysis File). The project is also consistent with the Joint Terrestrial and Aquatic Programmatic Biological Assessment (BA, USDA and USDI, 2006-2009).

## **Reason for Categorical Exclusion and Findings**

This decision is categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement in accordance with 40 CFR 1508.4 and Forest Service Environmental Policy and Procedure Handbook 1909.15. This action falls within Category 31.2(6) of the Forest Service Environmental Policy and Procedures Handbook 1909.15, established by the Chief of the Forest Service, which may be excluded from documentation in an environmental impact statement or environmental assessment. This category includes wildlife habitat improvement activities.

This project is similar to others which recently have been implemented to restore hydrologic function in riparian meadow habitats. Riparian vegetation and beaver activity are critical to the long term maintenance of properly functioning meadow streams.

The District has reviewed the physical and biological conditions of project with resource specialists. I have concluded that the proposed activities are consistent with the intent of wildlife habitat enhancement in accordance with the Deschutes National Forest Land and Resource Management Plan as amended by the Inland Native Fish Strategy (INFISH). The Crescent Ranger District concludes that no extraordinary circumstances exist which would indicate this action could have a significant effect on the quality of the human environment. This preliminary Decision Memo is subject to a 30-day comment period. Comments and a response to comments will be incorporated into a Final Decision Memo. The Final Decision Memo will then be subject to a 45-day appeal period. If there are no appeals, this project can be implemented five business days after the appeal period ends.

## **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is subject to public notice, comment, and appeal pursuant to 36 CFR 215.5. Written, facsimile, hand-delivered, oral, and electronic comments concerning this action will be accepted for 30 calendar days following publication of a notice in *The Bulletin*. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this proposal. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the length of the comment period.

Written comments must be submitted to: Christine Frisbee, Crescent Ranger District, PO Box 208, Crescent, OR, 97733. The office business hours for those submitting hand-delivered comments are: 7:45 A.M. to 4:30 P.M. Monday through Friday, excluding holidays. Oral comments must be provided at the Responsible Official's office during normal business hours via telephone (541) 433-3200 or in person. Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [comments-pacificnorthwest-deschutes-crescent@fs.fed.us](mailto:comments-pacificnorthwest-deschutes-crescent@fs.fed.us). In cases where no identifiable name is attached to a comment, a verification of identity will be required for appeal eligibility. If using an electronic message, a scanned signature is one way to provide verification. Electronic comments must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format, or portable document format only. E-mails submitted to e-mail addresses other than the one listed above, in other formats than those listed, or containing viruses will be rejected.

It is the responsibility of persons providing comments to submit them by the close of the comment period. It is the responsibility of persons providing comments by electronic means to ensure that their comments have been received. Individuals and organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.6.

For further information contact Paul Powers at the Crescent Ranger District, P.O. Box 208, Crescent, OR 97733, or by phone at (541) 433-3236.

*/s/Chris Mickle* for

Sept. 12, 2007

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C. CHRISTINE FRISBEE  
District Ranger

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Date